UNITED STATES PATENT AND TRADEMARK OFFICE

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10/726,709	12/04/2003	Kazuhiro Matsubayashi	00862.023341.	7048

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FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK, NY 10104-3800

EXAMINER
NGUYEN, LE V

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>07 August 2009</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1,5,6,8-11 and 15</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1,5,6,8-11 and 15</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☒ All   b) ☐ Some * c) ☐ None of:

   1. ☒ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   This communication is responsive to an amendment filed 8/7/09.

2.   Claims 1, 5, 6, 8-11 and 15 are pending in this application; and, claims 1, 5, 11

and 15 are independent claims. Claims 1, 5, 6, 11 and 15 have been amended; and

claims 2-4, 7, 12-14 and 16-43 have been cancelled.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> (b) the invention was patented or described in a printed publication in this or a foreign country or in public
> use or on sale in this country, more than one year prior to the date of application for patent in the United
> States.

4.   Claims 1 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by

Mathews et al. ("Mathews", US 6,025,837).

As per claim 11, Mathews teaches an information processing method of a first

step of receiving digital broadcasting data described in a markup language and

including first hierarchical level elements delimited by predetermined tags and second

hierarchical level elements which belong to a range or group of elements delimited by

the predetermined tags (col. 3, line 7 – col. 5, line 10) comprising: a displaying step of

displaying the elements included in the received digital data on a display device (figs. 1

and 3; e.g., elements 28 and 64 receives the digital data and displays it on interfaces 24

and 66), a second receiving step of receiving key-input first or second signals from a

remote controller (figs. 1 and 3; e.g., elements 30, 70 and 72), a switching step of

switching a selection of an element between the first hierarchical level elements or

between the second hierarchical level elements when the first signal is received in the

receiving step, and switching a selection between the first and second hierarchical level

elements when the second signal is received in the receiving step and a selected

element display step of displaying the selected element on the display device (figs. 1-3,

5 and 7-8; col. 4, line 22 – col. 5, line 10; col. 9 line 35 – col. 10, line 4; hyperlinks stored

in 22 are integrated as part of a hierarchical grid are provided for selection and viewing).

Claim 1 is similar in scope to claim 11 and is therefore rejected under similar

rationale.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 5, 6, 8, 9, 10 and 15 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Mathews et al. ("Mathews", US 6,025,837).

As per claim 5 and 15, Mathews teaches an information processing method and

apparatus for receiving digital broadcasting data described in a markup language and

including first hierarchical level elements delimited by predetermined tags and second

hierarchical level elements which belong to a range or group of elements delimited by

the predetermined tags, and displaying the received data on a display device

comprising an identification step of identifying an information amount contained in each

of the elements (col. 3, line 7 – col. 5, line 10), a receiving step of receiving key-input

first or second signals from a remote controller (fig. 1; e.g., element 30), a switching

step of switching selection between the first hierarchical level elements or between the

second hierarchical level elements on the basis of the identified information amount

when the signal is received in the receiving step and switching a selection of an element

between the first and second hierarchical level elements when the second signal is

received and a selected element display step of displaying the selected element on the

display device (figs. 1-3, 5 and 7-8; col. 4, line 22 – col. 5, line 10; col. 9 line 35 – col.

10, line 4; hyperlinks stored in 22 are integrated as part of a hierarchical grid are

provided for selection and viewing). Mathews does not explicitly disclose an input signal

in turn by an arrow key operation; however, it has been a practice for many years to use

a signal input in turn by an arrow key operation (e.g., see direction pad of fig. 2 in

Tomsen et al. , US 2002/0147984 A1). In view of KSR, 127 S. Ct. 1727 at 1742, 82 USPG2d at

1397 (2007), it would have been obvious to an artisan at the time of the invention to

incorporate such well known practices to the method of Mathews in order to provide

users with navigational capabilities as an implementation preference.

As per claim 6, the modified Mathews teaches an information processing method

and an information processing method of receiving data described in a markup

language and including first hierarchical level elements delimited by predetermined tags

and second hierarchical level elements which belong to a range delimited by the predetermined tags, and displaying the received data on a display device wherein the plurality of elements delimited by predetermined tags include first hierarchical level elements delimited by predetermined tags and second hierarchical level elements which belong to a range delimited by the predetermined tags and the switching unit switches a selection between the first hierarchical level elements or between the second hierarchical level elements which belong to a range delimited by the predetermined tags when the first signal is received, and switching a selection of an element between the first and second hierarchical level elements when the second receiving unit receives a second signal (Mathews: col. 4, line 22 – col. 5, line 10; based on user selection).

As per claim 8, the modified Mathews teaches an information processing method and an information processing method of receiving data described in a markup language and including first hierarchical level elements delimited by predetermined tags and second hierarchical level elements which belong to a range delimited by the predetermined tags, and displaying the received data on a display device wherein the information amount contained in each element is an area where the element is displayed (Mathews: figs. 1, 3, 5 and 7; col. 4, line 22 – col. 5, line 10; e.g., display area 112).

As per claim 9, the modified Mathews teaches an information processing method and an information processing method of receiving data described in a markup language and including first hierarchical level elements delimited by predetermined tags and second hierarchical level elements which belong to a range delimited by the

predetermined tags, and displaying the received data on a display device wherein the information amount contained in each element is the number of characters contained in the element (Mathews: figs. 1, 5 and 7; tags used to render content as well as specify hyperlinks wherein content can be in the form of characters/text, images, etc.,).

As per claim 10, although Mathews teaches a control program for allowing a computer to implement an information processing method and an information processing method of receiving data described in a markup language and including first hierarchical level elements delimited by predetermined tags and second hierarchical level elements which belong to a range delimited by the predetermined tags, and displaying the received data on a display device comprising the amount of storage required for each element (fig. 6; elements displayed require storage), Mathews does not explicitly disclose the information amount contained in each element is the number of bytes of data contained in the element. However, an element having a number of bytes of data contained in the element is well known in the art. It would have been obvious to an artisan at the time of the invention to incorporate such well known elements to the method of Mathews in order to encompass older systems given that bytes fit into the natural width of the CPU register of these older systems, especially in view of KSR, 127 S. Ct. 1727 at 1742, 82 USPG2d at 1397 (2007).

Response to Arguments

7.   Applicant's arguments with respect to claims 1, 5, 6, 8-11 and 15 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Walker et al. (US 6,263,505 B1) teaches, in FIG. 2, that the program

identification information 33 is an eight digit alphanumeric code uniquely representing

the particular video program being displayed. It is understood that other types of

identification tags may be used to distinguish video programs from each other such as

graphical images.

Tomsen et al. (US 2002/0147984 A1) teaches a system and method for pre-

caching supplemental content related to a television broadcast using unprompted,

context-sensitive querying.

Inquires

9.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Examiner Lê Nguyen whose telephone number is **(571)**

272-4068. The examiner can normally be reached on Monday - Friday from 7:00 am to

3:30 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Dennis Chow, can be reached at (571) 272-7767.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

lvn
Patent Examiner
September 11, 2009

/DENNIS-DOON CHOW/
Supervisory Patent Examiner, Art Unit 2174